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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00395 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
KEUN SUNG LEE,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for July 5, 2006. Through counsel, defendant Keun Sung Lee and the United States ask the Court to (a) vacate the July 5, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of August 16, 2006 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from July 5, 2006, to August 16, 2006.

1. The parties are finalizing the language of a plea agreement and request that the Court set the matter for August 16, 2006, for change-of-plea.

2. The parties agree that the time between July 5, 2006 and August 16, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.

ORDER
CR 05-00395 CRB

See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel will be in Indiana in a trial from July 10, 2006 through the first week in August, and thus unavailable until August 16, 2006. Defense counsel is continuing to review discovery, including recently provided materials, negotiate the plea language, and needs time to review the materials with the defendant. These matters need a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence, and based on continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from July 5, 2006 to August 16, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See *id.* § 3161(h)(8)(A).

STIPULATED:

June 30, 2006 DATE	/S/	PETER B. AXELROD PETER B. AXELROD LAUREL BEELER Assistant United States Attorneys
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June 30, 2006 DATE	/S/	ALAN BAUM ALAN BAUM Attorney for Keun Sung Lee
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ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the July 5, 2006, hearing date for defendant Keun Sung Lee based on the anticipated plea agreement, (b) sets the matter for change-of-plea on August 16, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from July 5, 2006, to August 16, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence and continuity of counsel. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that

1 this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and
2 (h)(8)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: June 30, 2006

